



IPU

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79447

Akira SAITO, *et al.*

Appln. No.: 10/758,562

Group Art Unit: 1632

Confirmation No.: 5978

Examiner: Unknown

Filed: January 16, 2004

For: NOVEL ONCOGENE, RECOMBINANT PROTEIN DERIVED THEREFROM, AND
USES THEREOF

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. International Publication No. WO00/55351 A1, published September 21, 2000,
2. D. Melton et al., "ih21a06.x1 Human Insulinoma Home Sapiens cDNA Clone Image: 3' Similar to TR: Q92549 Q92549 Myeloblast KIAA0261, mRNA Sequence", Endocrine Pancreas Consortium, February 22, 2002 (Database XP-002297479),
3. "601058669F1 NIH_MGC_10 Homo Sapiens cDNA Clone Image: 3445337 5', mRNA Sequence", National Institutes of Health, Mammalian Gene Collection (MGC), August 11, 2000 (Database XP-002297480),

4. Takahiro Nagase et al., "Prediction of the Coding Sequences of Unidentified Human Genes. VI. The Coding Sequences of 80 New Genes (KIAA0201-KIA0280) Deduced by Analysis of cDNA Clones from Cell Line KG-1 and Brain", DNA Research, October 31, 1996 (Database XP-002059454),
5. B.A. Kwiatkowski et al., "Homo Sapiens FOE mRNA, Complete Cds", Medical Oncology, University of Washington and VA Puget Sound Health Care System, January 2, 2003 (Database XP-002297481),
6. Kenneth W. Dobie et al., "Identification of Chromosome Inheritance Modifiers in Drosophila Melanogaster", Genetics, April 2001 (Database XP-002297476),
7. Fiammetta Verni et al., "Genetic and Molecular Analysis of Wings Apart-Like (WAPL), a Gene Controlling Heterochromatin Organization in Drosophila Melanogaster", Genetics, April 2000 (Database XP-002297477),
8. International Publication No. WO03/008583 A2, published January 30, 2003,
9. T. Ohbayashi et al., "Homo Sapiens hWAPL mRNA for Mammalian Homolog of Wings Apart-Like Protein, Complete Cds", July 2, 2003 (Database XP-002297482),
10. K. Oikawa et al., "Mammalian Homolog of Wings Apart-Like Protein", October 1, 2003 (Database XP-002297545),
11. Kosuke Oikawa et al., "Expression of a Novel Human Gene, Human Wings Apart-Like (hWAPL), Is Associated with Cervical Carcinogenesis and Tumor Progression", Cancer Research, May 15, 2004 (Database XP-002297478).

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a European Search Report dated October 12, 2004, which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

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23373

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Date: January 12, 2005

Respectfully submitted,


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Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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Complete if Known

Application Number	10/758,562
Confirmation Number	5978
Filing Date	January 16, 2004
First Named Inventor	Akira SAITO
Art Unit	1632
Examiner Name	Unknown
Attorney Docket Number	Q79447

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		WO	00/55351	A1	09-21-2000	HUMAN GENOME SCIENCES, INC.	
		WO	03/008583	A2	01-30-2003	SAGRES DISCOVERY	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		D. MELTON et al., "ih21a06.x1 Human Insulinoma Home Sapiens cDNA Clone Image: 3' Similar to TR: Q92549 Q92549 Myeloblast KIAA0261, mRNA Sequence", Endocrine Pancreas Consortium, Harvard University, Howard Hughes Medical Institute, Department of Molecular and Cellular Biology, February 22, 2002, Cambridge (Database XP-002297479)	
		"601058669F1 NIH_MGC_10 Homo Sapiens cDNA Clone Image: 3445337 5', mRNA Sequence", National Institutes of Health, Mammalian Gene Collection (MGC), August 11, 2000 (Database XP-002297480)	
		TAKAHIRO NAGASE et al., "Prediction of the Coding Sequences of Unidentified Human Genes. VI. The Coding Sequences of 80 New Genes (KIAA0201-KIA0280) Deduced by Analysis of cDNA Clones from Cell Line KG-1 and Brain", DNA Research, October 31, 1996, pages 321-329, vol. 3, no. 5, Kazusa DNA Research Institute, Chiba, Japan (Database XP-002059454)	
		B.A. KWIATKOWSKI et al., "Homo Sapiens FOE mRNA, Complete Cds", Medical Oncology, University of Washington and VA Puget Sound Health Care System, January 2, 2003 (Database XP-002297481)	
		KENNETH W. DOBIE et al., "Identification of Chromosome Inheritance Modifiers in Drosophila Melanogaster", Genetics, April 2001, pages 1623-1637, vol. 157, no. 4, Genetics Society of America (Database XP-002297476)	
		FIAMMETTA VERNI et al., "Genetic and Molecular Analysis of Wings Apart-Like (WAPL), a Gene Controlling Heterochromatin Organization in Drosophila Melanogaster", Genetics, April 2000, pages 1693-1710, vol. 154, no. 4, Genetics Society of America (Database XP-002297477)	
		T. OHBAYASHI et al., "Homo Sapiens hWAPL mRNA for Mammalian Homolog of Wings Apart-Like Protein, Complete Cds", July 2, 2003, Tokyo Medical University, Department of Pathology, Tokyo, Japan (Database XP-002297482)	
		K. OIKAWA et al., "Mammalian Homolog of Wings Apart-Like Protein", October 1, 2003 (Database XP-002297545)	
		KOSUKE OIKAWA et al., "Expression of a Novel Human Gene, Human Wings Apart-Like (hWAPL), Is Associated with Cervical Carcinogenesis and Tumor Progression", Cancer Research, May 15, 2004, pages 3545-3549, vol. 64, no. 10 (Database XP-002297478)	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.